IN CHANCERY.

Between Rowena I. Turrill, an infant under the age of 21 years, by John Wise, her next friend, - - - - - - - PLAINTIFF,

AND

Isaac Turrill, Elihu Turrill, Austin Turrill, Ursula Evaline Yarwood, wife of James H. Yarwood, and the said James H. Yarwood, Stephen G. Turrill, Addison Turrill, Mahlon F. Turrill, Thomas J. Ennett, Hannah Turrill, Edgar Turrill, Albert E. Turrill, and Arthur E. Turrill, the last 3 named being infants under the age of 21 years, - DEFENDANTS.

CITY OF LONDON } To the Honorable the Judges of the Court of Chancery :

The Bill of Complaint of Rowena I. Turrill, of the Township of Yarmouth, in the County of Elgin, spinster, an infant under the age of 21 years, by John Wise, of the said Township of Yarmouth, yeoman, her next friend, the above-named plaintiff.

Humbly sheweth:

1. Joseph E. Turrill, in his lifetime, of the Township of Yarmouth, in the County of Elgin, departed this life at the said Township of Yarmouth, intestate, on or about the 2nd day of September, in the year of our Lord 1855 : leaving him, surviving, his widow, the defendant Hannah Turrill, and 9 children, namely, your complainant, Rowena I. Turrill, and the defendants, Isaac Turrill, Elihu Turrill, Austin Turrill, Ursula Evaline Yarwood, Stephen G. Turrill, Addison Turrill, Mahlon F. Turrill, and one Enoch J. Turrill, since deceased, his heirs and heiresses at law.

2. The said Joseph E. Turrill, at the time of his death, was seized in fee simple of the following lands and premises, that is to say : The east half of Lot No. 29, in the first Concession of the Township of Dawn, in the County of Lambton, and the west halves of Lots Numbers 9 and 10, in the third Concession in the Gore of the Township of Camden, in the County of Kent, formerly forming part of the said Township of Dawn, containing by admeasurement in all 300 acres, more or less.

3. The said Enoch J. Turrill departed this life on or about the 10th day of February, in the year of our Lord 1872, having first duly made and published his last will and testament in writing, executed in manner and form required by law upon the devise of real estate, whereby he devised all his share of, and interest in the said lands, unto his 3 children, the defendants, Edgar Turrill, Albert E. Turrill, and Arthur E. Turrill, their heirs and assigns for ever, in equal shares.

4. The wife of the said Enoch J. Turrill survived him, but has departed this life since the death of the said Enoch J. Turrill.

5. At the time of the death of the said Joseph E. Turrill, the said lands were in a state of nature, and unimproved by clearing, fencing, or otherwise for the purposes of cultivation or occupation.

6. The defendant, Ursula Evaline Yarwood, was married to the defendant, James H. Yarwood, after the death of the said Joseph E. Turrill.

7. Your complainant, Rowena I. Turrill, is an infant of the age of 20 years, or thereabouts, and the defendants, Edgar Turrill, Albert E. Turrill, and Arthur E. Turrill, are also infants under the age of 21 years, Edgar Turrill, the eldest, being now of the age of 14 years, or thereabouts.

8. On the 18th day of November, in the year of our Lord 1873, the defendants other than the defendant Thomas J. Ennett, and also other than the defendant Hannah Turrill, and the infant defendants, agreed to sell all their interest in the said west half of Lot No. 10, in the third Concession of the Gore of Camden, containing 100 acres, more or less, to the defendant Thomas J. Ennett, for the sum of $800; and on the said last mentioned day executed a conveyance of their, and each of their, interest in the said west half of Lot 10,

to the said defendant, Thomas J. Ennett and his heirs; and the said defendant, Thomas J. Ennett, thereupon paid to the said Vendors the sum of $300, part of the said purchase money, and agreed to secure the remaining sum of $500 by a mortgage in fee of the said lands, to the said vendors, and to pay the said sum of $500, together with interest at 7 per cent. per annum, as follows, that is to say : $100 thereof on the first day of January, in the year of our Lord 1874, without interest, and the remaining sum of $400 in two yearly instalments of $200 each, on the first day of January in each of the years of our Lord 1875 and 1876, with interest at the said rate with each of such instalments upon the whole unpaid principle, the whole of which said sum of $500 still remains unpaid, together with the interest thereon.

9. Under and in consequence of the facts and circumstances hereinbefore set forth' your complainant, Rowena I. Turrill, and the defendants, other than Hannah Turrill, and also other than the defendants Thomas J. Ennett, and the infant defendants, are each entitled to one undivided ninth part of the said east half of Lot No. 29, in the first Concession of the Township of Tawn, and of the said west half of Lot No. 9 in the third Concession of the Gore of Camden; the defendants, Elgar Turrill, Albert F. Turrill, and Arthur E. Turrill, are each entitled to one undivided twenty-seventh part thereof, and also to one undivided twenty-seventh part of the said west half of Lot No. 10, in the said third Concession of the Gore of Camden ; the defendant, Thomas J. Ennett, is entitled to seven undivided ninth parts of the said last mentioned Lot, subject to the payment of the said sum of $500 and interest to his vendors before mentioned, and your complainant, Rowena I. Turrill, is entitled to the remaining one undivided ninth part of the said last mentioned Lot.

10. The defendant, James H. Yarwood, is only interested in the said lands as being the husband of the defendant, Ursula Evaline Yarwood.

11. The defendant, Thomas J. Ennett, has cut down and removed a large quantity of timber from the said west half of Lot No. 10, and threatens and intends to remove other timber therefrom, whereby your complainant's share thereof has become and will be still further depreciated in value.

12. The said east half of Lot No. 29, and the said west half of Lot No. 9, cannot be conveniently partitioned amongst the persons entitled thereto, and it is desirable that the same should be sold, and that the said west half of Lot No. 10 should be partitioned between your complainant, Rowena I. Turrill, the said defendant, Thomas J. Ennett, and the said infant defendants.

Your complainants therefore pray :

1. That the right shares and interests of the several parties hereto in the said lands may be ascertained and declared.

2. That the said east half of Lot No. 29, and the said west half of Lot No. 9, may be sold by and under the direction of this Honorable Court, and the proceeds of such sale divided amongst the parties entitled thereto, and that the said west half of Lot No. 10 may be partitioned amongst your complainant, Rowena I. Turrill, the said Thomas J. Ennett, and the said infant defendants, and that the share of the said Thomas J. Ennett may be declared to be subject to the payment of the said sum of $500 and interest.

3. That the defendant, Thomas J. Ennett, may be restrained by the order and injunction of this Honorable Court, for which writ your complainant specially prays, from cutting down or removing timber from the said west half of Lot No. 10, until after the said partition shall be made.

4. That your complainants may be paid their costs of this suit.

5. That for the purposes aforesaid, all proper directions may be given, and accounts taken.

6. That your complainants may have such further and other relief as to your Lordships may seem meet, and your complainants will ever pray.